

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )	
Implementation of Section 621(a)(1) of )	
the Cable Communications Policy Act of 1984 )	MB Docket No. 05-
311	
as amended by the Cable Television Consumer )	
Protection and Competition Act of 1992 )	

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**COMMENTS OF ACCESS CHANNEL 5**

These Comments are filed by Access Channel 5, Mayville, New York, in support of the comments filed by the Alliance for Community Media (“Alliance”), numerous Public, Educational and Governmental Access Channels and other local government organizations. Access Channel 5 believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access (“PEG”) services in our community.

**“PEG” Access in Our Community**

Access Channel 5 serves nine municipalities in Western New York State. Our Channel became operational in June 1995 and has operated 24/7 with no interruptions since that time. The cable system serving our area has 5200 subscribers. Our meager funding comes from franchise fees provided to our operation by these communities. We have no paid staff and operate entirely with volunteers.

Since the channel began, we have cablecast in excess of 1,000 locally produced programs – from parades to high school sports, from documentaries to talk shows, and everything in between. All programming of local interest – not available any other way. And then there are the tens (maybe hundreds) of thousands of community organization video bulletin board messages, all provided to the community at no additional cost.

Our television studio is located in one of the local schools with which we have partnered. The school offers video production classes to students. Some have gone off to college to continue toward a career in broadcasting.

It would be a terrible disservice to our communities to jeopardize an asset such as PEG Access.

### **Proposed Solution to Additional Cable Franchises**

Access Channel 5 believes that there is a simple solution to permit competing cable and telecommunication services into an area already served by an existing provider.

- A company desiring to provide cable television services in a community with an existing cable television franchise should be allowed immediate approval under the existing terms and conditions of the franchise agreement in place.
- The expiration date of the franchise agreement shall remain in place and both providers' agreement will expire at that same time.
- Prior to expiration of the original agreement, separate negotiations will be entered into between the franchising authority and each provider. In the event that the existing franchise is due to expire in less than 12 months, an additional 6 month extension will be given.
- Upon completion of the negotiations, the municipality will accept the agreement deemed most advantageous to the community. Both (all) providers will be bound by this single agreement. Said agreement will take effect on the day following the expiration of the previous agreement and shall not be for more than a ten year term.

### **Conclusion**

Local franchising has worked well for many years. Franchising needs to remain local. "One size fits all" franchising is not in the best interests of local communities. Only local governments can best respond to the needs of their respective jurisdictions.

Respectfully submitted,

Charles L. Kelsey  
Executive Director

Access Channel 5  
Mayville, New York